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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, who governs the minds of all who are called to serve You and country, guide our lawmakers to fulfill Your purposes. When it is difficult to see the path ahead, give them the wisdom to trust the unfolding of Your powerful providence. Empower them to resist the sins that bring dishonor as they seek to live for Your glory.

Lord, unite them to bear the burdens which are laid upon them during these challenging days. As they remember their accountability to You, inspire them to be good stewards of Your bounty. And, Lord, bless Ukraine.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK,

a Senator from the State of Georgia, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Dara Lindenbaum, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2027.

The ACTING PRESIDENT pro tempore. The majority whip.

INFANT FORMULA SHORTAGE

Mr. DURBIN. Mr. President, the hardest job in America during the pandemic certainly fell on the shoulders of our healthcare heroes. We owe a great debt of gratitude to the sacrifice and integrity they showed during this challenge.

But I want to add another category and that would be the category of parents, particularly of newborn infants during the pandemic. They have dealt with school closures and COVID lockdowns, rising prices at the check-

out counter, and for parents with kids under the age of 5, the wait for COVID vaccine has been excruciating.

Now parents throughout the country are facing another burden—of all things—the availability and cost of infant formula. Since the beginning of this year, the supply of infant formula in America has been reduced by nearly half—half. The obvious question is, Why?

In February, the Food and Drug Administration discovered that Abbott's Michigan factory, which produces Similac, a well-known infant formula to many parents, may have been the source of a bacteria outbreak. That outbreak sent four infants to the hospital. Tragically, it claimed the lives of two. As a result, the factory in Michigan was shut down.

That shutdown and larger supply chain issues has caused a shortage and caused panic among many families. At this very moment, parents are frantically scouring the internet for formula, driving for hours from store to store, and paying obscene prices to shady sellers exploiting this desperate situation.

Some of the parents in Illinois have written to me. One of them is Jennifer Sendeski from Deer Park, IL. Eight months ago, she gave birth to her son. In her words, it was a moment of "sheer joy, love and excitement." Soon after she gave birth, Jennifer joined millions of other women in supplementing her son's diet with formula.

Jennifer wrote to me that "in the last several months we have been fighting an uphill battle to find formula . . . what would have once cost . . . \$13 for 12 [ounce] can of powdered formula now sells for \$40 . . . if you can find it on the shelves."

Jennifer describes her struggle to find that formula as a "nightmare." She is not alone. Another mother named Jennifer, who lives in Lake Zurich, IL, said the formula shortage is "becoming dire," in her words.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Sadly, these moms are right. The shortage is dire. That is why I am grateful that the President has sprung into action trying to help these parents and families. Two days ago, the administration completed its first shipment of more than 75,000 pounds of imported formula as part of Operation Fly Formula, enough for more than half a million bottles. The second shipment is expected in a few days.

As these shipments reach American shores, President Biden has also invoked the Defense Production Act, an authority he has under the law to ramp up domestic production. This could help to eliminate supply chain bottlenecks and compel manufacturers to prioritize the production of infant formula. It is hard to think of anything that would be a higher priority.

Both of these steps are crucial, but in the meantime, if you are a parent struggling to find formula, the Department of Health and Human Services has a website you should visit, [HHS.gov/formula](https://www.hhs.gov/formula). That is [HHS.gov/formula](https://www.hhs.gov/formula). It identifies companies and healthcare providers, food banks, and other resources that have supplies available. Let me say it again: [HHS.gov/formula](https://www.hhs.gov/formula).

Additionally, last week, President Biden signed the Access to Baby Formula Act into law. It allows parents to purchase more infant formula through WIC, which provides nutritional support for low-income families, and I believe I read that half the babies in America count on WIC.

Finally, the Food and Drug Administration is working to maximize formula production as well—in particular, the production of specialized formulas, like hypoallergenic formula, for infants with specific health needs.

The FDA also has entered into an agreement with Abbott to get its Michigan factory back in business. That is the largest infant formula factory in the country. We need to get it reopened safely and quickly. As long as the company meets critical safety standards, we want them in production.

But let's be clear: This disastrous situation could have been averted if the FDA was not chronically understaffed and underfunded. At the time Abbott's factory was shut down, try to guess how many Federal employees had the responsibility for the oversight of this life-and-death industry. The answer: nine. Nine people within FDA were responsible for the oversight of infant formula, nine workers monitoring a \$3.5 billion industry that directly impacts millions of American families.

These workers are spread way too thin, and here is why that is a problem: When a safety issue arises, it can take months for the FDA to launch an investigation. That is exactly what happened at Abbott's plant in Michigan. The FDA received a complaint about that factory's production last October, but they didn't physically inspect the plant until January of this year.

FDA does essential work with limited resources, but it cannot serve the needs of the American consumers and families on a thin budget. If we want to truly protect the safety and well-being of families and kids, we need to step up in Congress. The House of Representatives did it last week. House lawmakers passed Congresswoman ROSA DELAURO's legislation to provide \$28 million in additional funding to help the FDA resolve the formula shortage and to prevent the next one.

This legislation is a no-brainer from my point of view, and that is why it is puzzling that 190 Republican Congressmen and women voted against it. They voted against giving money to the FDA to get the infant formula back safely into the homes of American families and to prevent any healthcare and safety issue in the future, and 190 Republicans said: No, I don't want to spend that money. That is right, the party that often claims to be so pro-family voted against legislation to help parents feed their families, feed their babies, and provide parents with the peace of mind that their formula is safe.

Now, I am sure my Republican colleagues will keep coming to the floor this week to express outrage over the infant formula shortage, but as you listen to what they say, also watch how they vote. If they are serious about protecting kids and families, it is time to vote that way. Congresswoman DELAURO's legislation puts us on the right path. I hope the Senate joins the House in passing it soon.

While we are at it, let's also recognize the challenges that were facing working families long before the formula shortage and even before the pandemic.

Congress has waited far too long to provide the support working families need to thrive. So let's extend the enhanced child tax credit. Let's provide paid parental leave. Let's offer postpartum health coverage to all new moms. Let's help parents afford the cost of high-quality education. I think those measures are critical, and they are pro-family.

We have the power to make America the best place in the world to raise a family. We are not quite there. Instead of denying families the freedom to choose when and how to raise a child, I have a different proposal for my colleagues on both sides of the aisle: Let's invest in the health and potential of every family in America.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

BIDEN ADMINISTRATION

Mr. MCCONNELL. Mr. President, on the campaign trail, Candidate Biden made some big promises for America's economic recovery. His campaign published "the Biden Plan to revitalize Main Street and invest in small businesses" and another "to give America's working families the tools, choices, and freedom they need to build back better." So just how have the working families and small businesses fared with President Biden and the Democratic Party calling the shots? Sixty-nine percent of Americans say our economy right now is bad. Even more—77 percent—say they are pessimistic about costs rising even more in the coming months. Just last month, one longstanding measure of optimism among small business owners reached its lowest level on record.

Month after month, the historic high inflation Democrats helped unleash with runaway spending last spring is taking its toll on Americans' hope for the future, but more immediately, it is taking its toll on their wallets. More than a third of Americans say they are having difficulty paying for usual household expenses.

Just last month, the price of a gallon of milk was 16 percent higher than the year before. Gas prices are scraping the stratosphere. In Kentucky, the average price for a gallon of regular reached an alltime high 2 weeks ago. Today, it is 20 cents higher than that.

In Lexington, one resident who drives a rideshare put it this way:

I'm not trying to be a billionaire, I'm just trying to pay some bills.

She is facing more pain at the pump, and so are the folks paying even more to fill up trucks, tractors, or delivery vans with diesel.

The costs behind small business owners' headaches are behind consumers' hardship.

But somehow, as our Nation reaps the effects of their first year of one-party control, Washington Democrats are operating as if the exact opposite conditions were afoot. After their spending bonanza helped kick off historic inflation, they want to pile on the biggest tax hikes in history. After their radical day 1 climate agenda hammered the most affordable forms of American energy, they want to double down on far-left fantasies.

As the Biden administration passed its 100th day in office, I urged the President to "recommit to solving our nation's actual problems." Well, here we are, approaching his administration's 500th day in office. By now, America's working families have figured out for themselves that the so-called "Biden Plan" for them is just a fast track to historic hardships.

ELECTION LAWS

Mr. President, now on an entirely different matter, 5 months ago, Democrats in the media were saying the sky was falling because of some States' mainstream voting laws. Georgia passed a voting law that was more open